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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/085,683	02/26/2002	Peter Loc	MP0120	1548
26703	7590	12/13/2005	EXAMINER	
HARNESS, DICKEY & PIERCE P.L.C.			TRAN, PHUC H	
5445 CORPORATE DRIVE			ART UNIT	
SUITE 400			PAPER NUMBER	
TROY, MI 48098			2668	

DATE MAILED: 12/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/085,683

Applicant(s)

LOC ET AL.

Examiner

PHUC H. TRAN

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 February 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-83 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,8-11,14,19,27-29,32,37,43-46,50,54,62,63,72 and 75-83 is/are rejected.
- 7) ☒ Claim(s) 2-7,12,13,15-18,20-26,30,31,33-36,38-42,47-49,51-53,55-61 and 65-71 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 2/26/02.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
2. Claims 74-83 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

- In claim 74 line 4, “ a second node” is not clear since applicant did not recite a first node in the claim. The same is true with the term “ a third node ‘ recited in claim 78 and “ said second node” recited in claim 83.

Claims 75-77 and 79-82 are rejected since they depend from claim 74.

Claim Rejections - 35 USC § 103

3. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1,14,19,32,37,50,54,62-64,7273,74-75, and 82-84 are rejected under 35 U.S.C. 103(a) as being unpatentable over Meier (2005/0232213) in view of Meier (6,714,559).

For claims 1,14,19,32,37,50,54,62-64,7273,74-75, and 82-84, Meier (2005/0232213) disclose a system comprising:

a plurality of nodes that transmit and receive radio frequency (RF) signals (see paragraphs 0025 and 0026); and

an access point that transmits and receives radio frequency (RF) signals, that wirelessly communicates with said plurality of nodes, that generates a table containing a list of nodes operating in said wireless network, and that broadcasts said table to said plurality of nodes (see paragraph 0044).

For claims 1,14,19,32,37,50,54,62-64,7273,74-75, and 82-84, Meier (2005/0232213) disclose all the subject matter of the claimed invention with the exception of determining a hidden status of the second node in the table in a communications network. Meier (6,714,559) from the same or similar fields of endeavor teaches a provision of determining the hidden status of the second node in the table (see column 7 lines 21-28). Thus, it would have been obvious to

the person of ordinary skill in the art at the time of the invention to use transmission rate, delay variation and maximum rate as taught by Meier (6,714,559) in the communications network of Meier (2005/0232213).

The hidden status of the second node in the table can be implemented/modified into the network of Meier (2005/0232213) since the reference does teach the table. The motivation for using a hidden status of the second node in the table as taught by Meier (6,714,559) into the communications network of Meier (2005/0232213) being that it provides directly connect to the second node without using the access point and it can save bandwidth.

4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claims 8-11,27-29, and 43-46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Meier (2005/0232213) in view of Meier (6,714,559) as applied to Claims 1,14,19,32,37,50,54,62-64,7273,74-75, and 82-84 above, and further in view of Connor (2004/0221080).

For claims 8-11,27-29, and 43-46, Meier (2005/0232213) and Meier (6,714,559) disclose all the subject matter of the claimed invention with the exception of including a packet counter and byte counter in a communications network. Connor (2004/0221080) from the same or similar fields of endeavor teaches a provision of determining the hidden status of the second node in the table (see paragraph 0027). Thus, it would have been obvious to the person of ordinary skill in the art at the time of the invention to use a packet counter and byte counter as taught by Connor (2004/0221080) in the communications network of Meier (2005/0232213) and Meier (6,714,559)

The packet counter and byte counter can be implemented/modified into the network of Meier (2005/0232213) and Meier (6,714,559) since the reference does teach bandwidth allocation. The motivation for using the packet counter and byte counter as taught by Connor (2004/0221080) into the communications network of Meier (2005/0232213) and Meier (6,714,559) being that it provides the system more reliable since it prevents congestion the access point.

Allowable Subject Matter

6. Claims 76-81 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

7. Claims 2-7,12-13,15-18,20-26,30-31,33-36,38-42,47-49,51-53,55-61,65-71 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims

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Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Connor (2003/0061426) is cited to show a system which is considered pertinent to the claimed invention.


9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to PHUC H. TRAN whose telephone number is (571) 272-3172. The examiner can normally be reached on M-F (8-4:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chieh M. Fan can be reached on (571) 272-3042. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Phuc Tran
Assistant Examiner
Art Unit 2664

P.t
12/05/05



PHUC H. TRAN
ART UNIT 2664